

Notice of Allowability

Application No.

10/697,154

Examiner

Carlos Lugo

Applicant(s)

PERKINS, FREDERICK M.

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on February 26, 2006.
2. ☒ The allowed claim(s) is/are 1,3-5 and 7-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on February 26, 2006.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Lawrence Laubscher on March 17, 2006.
4. The application has been amended as follows:
 - Claim 1 Line 21; the word "diver" has been replaced to -divider- (to correct a typographic error).

Allowable Subject Matter

5. **Claims 1,3-5 and 7-12 are allowed.**

Reasons For Allowance

6. The following is an examiner's statement of reasons for allowance:

Claims 1 and 5 are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the latch comprises the combination of a rack and pinion means connected to the handle to displaces the latch member (claim 1) and that the

latch assembly further comprises an endplate connected to the body to close the body bottom end (claim 5).

As stated previously in the prosecution, Furlong (US 6,709,030), as modified by Johansson (US 6,113,160) and Varney (US 462,183), discloses the latch as previously claimed.

The new amendment to claim 1 now requires a rack and pinion means connected to the handle to move the latch and sealing means.

New cited prior art Clavin (US 5,413,391), Gromotka (US 5,609,373), Weinerman (US 5,046,340) and Linares (US 6,530,250) teaches that it is well known in the art to provide sealing means so as to create a sealing environment near the handle.

However, Furlong, as modified by Johansson and Varney, in combination with either one of the new presented prior art, fails to disclose a rack and pinion means connected to the handle in order to move the latch.

In record, the examiner presents prior art that teaches that it is well known in the art to provide a rack and pinion means connected to a handle in order to move a latch, like for example Ayers (US 448,108), Love (US 2,934,370), Angus (517,512), McCarthy (US 1,588,899), Perry (US 1,636,069) and King (US 476,050).

However, it would not be obvious to provide the device described by Furlong with a rack and pinion means, as taught by either one of these references, since Furlong requires a simple way to move the latch that is provided at the outside of the housing, not from the inside. Furlong means (32,34,36) as seen in Figures 5 and 6) is located at the outside of the housing.

As to claim 5, Furlong fails to disclose that the latch assembly further comprises an endplate connected to the body to close the body bottom end.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

CL.

Carlos Lugo
Patent Examiner AU 3676
March 16, 2006.


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER